

REMARKS

The First Supplemental IDS dated June 4, 2007 is objected to for failing to include a concise explanation of the relevance of the JPO cited art in the counterpart Japanese application, although Applicants provided the JPO Office Action, its translation, and available English counterparts or abstracts for the cited art. Applicants' undersigned attorney attempted to contact the Examiner multiple times to discuss this objection, without success. Applicants submit that their June 4, 2007 First Supplemental IDS fully complies with 37 C.F.R. §1.98(a)(3).

According to M.P.E.P. §609.04(a)(III), "Where the information listed [in the IDS] is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office." That is the case here. In addition to the Office Action itself issued by the Japanese Patent Office, Applicants filed an English language translation thereof which explains the degree of relevance of the cited references as found by the Japanese Patent Office.

Moreover, the same section of the M.P.E.P. also advises that an English language equivalent application or an English language abstract may be submitted to fulfill the requirement for a concise explanation. Applicants also have complied with this suggestion. Specifically, in the First Supplemental IDS, Applicants identified published U.S. applications believed to correspond to two of the cited Japanese references, and provided English language abstracts for the remaining three Japanese references.

Therefore, Applicants submit that the June 4, 2007 First Supplemental IDS fully complied with 37 C.F.R. §1.98 for these two separate reasons. Applicants respectfully request that the First Supplemental IDS and the references cited therein be considered by the Examiner.

Apparatus claims 8-10 are objected to as including method steps. Applicants have amended claim 8 to change "driving state detector detects" to "driving state detector is adapted to detect." Similarly, claims 9 and 10 (as well as claim 7) are amended to change "carries out addition processing" to "is adapted to carry out addition processing." Applicants submit that these claim objections have been overcome.

Claims 1-20 are pending, including independent claims 1, 11, and 16. All claims are rejected on the basis of prior art.

Claims 1-4, 11-13, 16 and 18-20 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Published Patent Application No. 2002/0013728 A1 ("Wilkman"). Claim 1 has been amended for clarification to recite searching for "only an available facility which offers a point service available to the user within said cumulative number of points" The other independent claims have been amended in the same way. Support for this feature is found in the application, e.g., at ¶¶ 44, 72, 74-75, 83. This feature advantageously excludes facility point services that are unavailable to the user at that time because the user has an insufficient number of points (e.g., Application at ¶¶ 78, 87) and is not disclosed in Wilkman.

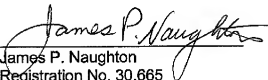
Dependent claims 5-6, 14-15 and 17 are rejected under 35 U.S.C. § 103(a) as obvious over Wilkman in view of U.S. Patent 6,314,365 ("Smith"). Smith does not cure the deficiencies of Wilkman explained above, so that these dependent claims are patentable for at least the reasons discussed above for the independent claims. Moreover, the Office Action has provided no articulated reasoning of how or why the promotion search system of Wilkman should be combined with the navigation system of Smith so as to result in Applicants' claimed invention. The proposed combination of these two references appears to be hindsight analysis based on the knowledge of Applicants' invention which is to be avoided.

Dependent claims 7-10 are rejected under 35 U.S.C. § 103(a) as obvious over Wilkman in view of JP 2002-230696 ("Mizuishi"). Mizuishi apparently does not cure the

deficiencies of Wilkman explained above, so that these dependent claims are patentable for at least the reasons discussed above for claim 1.

In conclusion, Applicants submit that the claims as presently amended distinguish over the cited art. Applicants respectfully request reconsideration and allowance of this application. If the Examiner believes it would facilitate prosecution of this application, he is invited to telephone Applicants' undersigned attorney at 312-321-4723.

Respectfully submitted,


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